IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.299 OF 2007
WITH
CIVIL APPLICATION NO.601 OF 2007

Shri Rajbahadur B. Saxena. ..Appellant.

V/s.

Life Insurance Corporation of India. ..Respondent.

Mr.V.N.Tayade for appellant.

Dr.Poornima Advani a/w.Mr. Ravindra Lokhande for respodnent.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 19, 2007.

P.C. :

1. Heard counsel for the parties.

2. I find no infirmity in the approach adopted by the Courts below invoking principle of section 34 of the Civil Procedure Code. As the transaction in question cannot be said to be commercial transaction, the rate of interest awarded by the lower Court on the amount at 6% per annum is the statutory interest. In the circumstances, no interference is warranted. No substantial question of law arises. Hence, dismissed.

3. In view of this order, nothing survives for consideration in the Civil Application. The same is disposed of accordingly.

(A.M.KHANWILKAR,J)